

ADVERTISING

The Board of Dentistry in response to the increase in advertising complaints has compiled all the relevant sections of the Dental Practice Act and Regulations regarding **Advertising** for easy referral. Included also, are examples of advertising which the Board, has in the past, considered to be permissible and in compliance with its Statutes and Regulations.

18 VAC 60-20-10. Definitions. *"Advertising" means a representation or other notice given to the public or members thereof, directly or indirectly by a dentist on behalf of himself, his facility, his partner or associate, or any dentist affiliated with the dentist or his facility by any means or method for the purpose of inducing purchase, sale or use of dental methods, services, treatments, operations, procedures, or products or to promote continued or increased use of such dental methods, treatments, operations, procedures or products*

§54.1-2706.7 of the Code of Virginia (1950) as amended. Revocation or suspension; other sanctions. *Publishing or causing to be published in any manner an advertisement relating to his professional practice which (i) is false, deceptive or misleading, (ii) contains a claim of superiority, or (iii) violates regulations promulgated by the Board governing advertising.*

§54.1-2718 of the Code of Virginia. Practicing under a firm or assumed name. *"No person shall practice, offer to practice, or hold himself out as practicing dentistry, under a name other than his own. This section shall not prohibit the practice of dentistry by a partnership under a firm name containing only the names of every member of the partnership or prohibit a licensed dentist from practicing dentistry as the employee of a licensed dentist, practicing under his own name or under a firm name, containing only the names of each member of such firm or as the employee of a professional corporation, or as a member, manger, employee, or agent of a professional limited liability company. The name of any professional corporation or professional limited liability company shall contain the name of each associate, shareholder, member, manager, employee, or agent engaged in the practice of dentistry on behalf of such professional business entity and any other words designating its legal status as may be required by law, but no other words other than the initials D.D.S. or D.M.D. following the name of each associate, shareholder, member, manger, employee, or agent so qualified.*

§54.1-2720 of the Code of Virginia. Display of name of practitioner. *"Every person practicing dentistry under an authorized firm name, and every person practicing dentistry as an employee of another licensed dentist shall conspicuously display his name at the entrance of the office. Any person who fails to display his name shall be subject to disciplinary action by the Board."*

FOR YOUR GUIDANCE, THE BOARD DEEMS THE FOLLOWING TO BE SOME EXAMPLES OF PERMISSABLE ADVERTISING, CONFORMING TO ITS STATUTES AND REGULATIONS:

1. John Doe, DDS (true name followed by DDS)
2. John Doe, DDS, MS, PhD (denoting additional degrees)
3. John Doe, DDS & Associates (in practices where there are multiple practitioners, as long as the names of all the dentists are prominently displayed on the exterior door)

18 VAC 60-20-180. Advertising.

A. Practice limitation. A general dentist who limits his practice shall state in conjunction with his name that he is a general dentist providing only certain services: i.e. orthodontic services.

B. Fee Disclosures. Any statement specifying a fee for a dental service which does not include the cost of all related procedures, services and products which, to a substantial likelihood will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person, shall be deemed to be deceptive and/or misleading. Where reasonable disclosure of all relevant variables and considerations is made a statement of a range of fees for specifically described dental services shall not be deemed to be deceptive or misleading.

C. Discounts. Discount offers for a dental service are permissible for advertising only when the non discounted or full fee and the final discounted fee are also disclosed in the advertisement. The dentist shall maintain documented evidence to substantiate the discounted fee.

D. Retention of broadcast advertising. A pre-recorded copy of all advertisements on radio or television must be retained for a six-month period following the final appearance of the advertisement. The advertising dentist is responsible for making pre-recorded copies of the advertisement available to the Board within five days following a request by the Board.

E. Routine dental services. The purpose of this subsection is to delineate those routine dental services which may be advertised pursuant to §54.1-2706(7) of the Code of Virginia and subsection F of this section. The definitions as set out in 18 VAC 60-20-10 are intended to set forth a minimum standard as to what constitutes such services for advertising purposes in order to allow the public to accurately compare the fees charged for a given service and to preclude potentially misleading advertisement of fees for a given service which may be delivered on a superficial or minimum basis. Advertising of fees pursuant to subdivision F3 of this section is limited to the following routine dental services:

1. "Examination." A study of all the structures of the oral cavity, including the recording of the conditions of all such structures and an appropriate history thereof. As a minimum, such study shall include charting of caries, identification of periodontal disease, occlusal discrepancies, and the detection of oral lesions.
2. "Diagnosis." An opinion of findings in an examination.
3. "Treatment planning." A written statement of treatment recommendations following an examination and diagnosis. This statement shall include a written itemized treatment recommendation and written itemized fee statement.
4. "Radiographs." Shall document type and quantity. (See definitions).
5. "Complete or partial dentures and crowns." Any advertisement must include full disclosure of all related fees and procedures.

6. "Prophylaxis." The removal of calculus, accretions and stains from exposed surfaces of the teeth and from the gingival sulcus.
7. "Simple extractions." A service for the removal of non-impacted teeth, including a full disclosure of all related fees and procedures.
8. Other procedures which are determined by the Board to be routine dental services are those services set forth in the American Dental Association's "Code on Dental Procedures and Nomenclature," as published in the Journal of the American Dental Association (JADA), as amended, which is hereby adopted and incorporated by reference.

F. The following practices shall constitute false, deceptive or misleading advertising within the meaning of §54.1-2706(7) of the Code of Virginia.

1. Publishing an advertisement which contains a material misrepresentation or omission of facts.
2. Publishing an advertisement which contains a representation or implication that is likely to cause an ordinarily prudent person to misunderstand or be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive.
3. Publishing an advertisement which fails to include the information and disclaimers required by this section.
4. Publishing an advertisement which contains a claim of professional superiority, claims to be a specialist, or uses any of the terms to designate a dental specialty such as (i) endodontist; (ii) oral or maxillofacial surgeon; (iii) oral pathologist; (iv) orthodontist; (v) pediatric dentist; (vi) periodontist; (vii) prosthodontist; (viii) public health or any derivation of these specialties unless he is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association in effect on January 1, 1988 or such guidelines or requirements as subsequently amended and approved by the dental disciplinary board or other such organization recognized by the board.
5. A dentist not currently entitled to such specialty designation shall not represent that his practice is limited to providing services in a specialty area without clearly disclosing in the representation that he is a general dentist. A specialist who represents services in areas other than his specialty is considered general dentistry.

G. Signage: "Advertisements including but not limited to signage, containing descriptions of the type of dentistry practiced and/or a specific geographic locator are permissible as long as the requirements of §§54.1-2718 and 54.1-2720 of the Code of Virginia are complied with.

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SOME EXAMPLES OF PERMISSIBLE ADVERTISING, CONFORMING TO ITS
STATUTES AND REGULATIONS:**

<u>Permissible examples:</u>	<u>Applicable Law</u>
1. John Doe, DDS, General Dentist, providing services in the following areas: (list areas)	18VAC60-20-180(A)
2. X-Rays and cleaning \$(discounted fee), regularly (regular fee)	18VAC60-20-180(C)
3. Free examination or free consultation (if a fee is charged in conjunction with a procedure it must be disclosed)	18VAC60-20-180(C)
4. Senior Discount, (discount), age(state age), (all services or limited to certain services)	18VAC60-20-180(C)
5. John Doe, DDS Orthodontics	18VAC60-20-180(F) &(G)
6. John Doe, DDS Family Dentistry	18VAC60-20-180(G)
7. John Doe, DDS, located at the (name)Building	18VAC60-20-180(G)
8. John Doe, DDS, (area name) Virginia	18VAC60-20-180(G)

F:advertising guidelines